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person shall have a lien on the land until the purchase money is refunded. and the land is conveyed to the wife, the judgment creditors of the husband cannot subject said land to their judgments until said purchase money has been refunded.

2. EQUITY PRACTICE—*Suit to set aside conveyance as voluntary—Purchase money advanced by third person—Right to file petition—When to be filed.* In a suit to set aside a deed to a wife on the ground that the consideration therefor moved from her husband and that the deed is in fraud of the rights of his judgment creditors, it is error to refuse to allow a third person, who was not a party to the suit, to file a petition in the cause showing that the consideration was wholly furnished by him and asking to be admitted as a party and allowed to assert his rights therein. He should not be put to an independent suit when all of his rights can be fully determined in the pending suit. Such petition may be filed at any time before a final decree.

ADAMS V. CITY OF ROANOKE.—Decided at Richmond, November 19, 1903.—*Cardwell, J.* Absent. *Buchanan, J.*:

1. LOCAL ASSESSMENTS—*Benefits—Frontage—Proportionate value of lots.* The right to make special assessments to meet the expense of local public improvements rests upon the principle that the property assessed is peculiarly benefited by the improvement; and it does not necessarily appear that this principle is violated because one-half of the cost of the improvement is apportioned among the property owners benefited according to their frontage, or merely because a piece of property assessed for taxation at one value is required to pay a slightly larger sum than another piece of property assessed for taxes at a higher value.

2. LOCAL ASSESSMENTS—*Notice and opportunity to be heard—"Due process."* A statute which authorizes a special assessment to meet the expense of a local public improvement must provide for giving the owner of the land assessed a reasonable notice and an opportunity to appear and contest the legality, justice and correctness of the assessment before it is finally determined upon, otherwise it deprives such owner of his property without "due process of law," and is void. It is not necessary, however, that such owner should be informed of every step in the proceeding. It is sufficient if he has been given a hearing at which he may insist that his property is not benefited to the amount assessed, or that it is not benefited at all.

3. LOCAL ASSESSMENTS—*In accordance with benefits—No benefits.* An ordinance or resolution of a city council directing a special assessment for local improvements in accordance with or not in excess of the benefits derived from the improvement opens up the whole question of benefits derived by a particular piece of property even to the extent of denying any benefits whatever.

4. LOCAL ASSESSMENTS—*Acts 1899-1900, p. 1147—Constitutional law—Case at bar* The act of Assembly of March 7, 1900 (Acts 1899-1900, p. 1147), entitled "An Act to provide for local assessments in cities and towns,"

makes ample provision for giving due notice to the owner of property assessed for local improvements, and affords such owner abundant opportunity to appear and contest the legality, justice and correctness of such improvement. The Act is not in conflict with the fourteenth amendment of the Constitution of the United States forbidding the taking of property without "due process of law," and local assessments made in compliance with said act are valid. In the case at bar the requirements of the statute have been observed in every particular and the land owner not only had ample opportunity to be heard, but availed himself of that privilege. As he had the opportunity of contesting the amount of the assessment, or whether there should be any assessment at all on his property, it was immaterial that he had no opportunity to be heard in the first instance when the council fixed the basis of apportionment between the city and the property owners. The only question of moment to him was whether or not his property should be assessed at all, and if assessed the amount of the assessment.

CITY OF NEWPORT NEWS V. BROWN.—Decided at Richmond, December 3, 1903.—*Keith, P.* Absent, *Buchanan, J.*:

1. NEWPORT NEWS—*Fees of police justice.* Under the provisions of the charter of the city of Newport News fixing the salary of the Police Justice at a sum not exceeding twelve hundred dollars *per annum* and declaring that "he shall receive no other compensation or emolument from the city of Newport News, nor any compensation or emolument from any other source whatever, except such fees and compensation as is allowed by the general laws of the state to justices of the peace for issuing and trying criminal warrants; provided, however, that such fees and compensation shall not be a charge either upon the state or city treasury," the Police Justice cannot recover from the city the amount of fees taxed by him against defendants convicted of violations of ordinances of the city and which have been paid by said defendants to the Chief of Police and turned into the city treasury in pursuance of city ordinances.

ELLINGER V. COMMONWEALTH.—Decided at Richmond, December 3, 1903.—*Keith, P.* Absent, *Buchanan, J.*:

1. CONSTITUTIONAL LAW—*Act broader than title—Case in judgment—Fox Island.* An Act of Assembly approved February 26, 1894, is entitled "An Act to define and establish by straight lines the low water mark lines for the riparian owner of the shores of Fox Island or Fox Islands in the county of Accomac, state of Virginia." The body of the act submits to arbitration a controversy as to the ownership of certain oyster lands, appoints the arbitrator, prescribes the terms of the award, states where it shall be recorded, and what its effect shall be.

Held: The Act is broader than its title, and, being in contravention of sec. 15 of article 5 of the Constitution of this state (1869), is null and void.

2. CONSTITUTIONAL LAW—*Titles of acts—Liberal construction.* The